

ROBERT MENENDEZ, NEW JERSEY
JEANNE SHAHEEN, NEW HAMPSHIRE
CHRISTOPHER A. COONS, DELAWARE
CHRISTOPHER MURPHY, CONNECTICUT
TIM Kaine, VIRGINIA
JEFF MERKLEY, OREGON
CORY A. BOOKER, NEW JERSEY
BRIAN SCHATZ, HAWAII
CHRIS VAN HOLLEN, MARYLAND
TAMMY DUCKWORTH, ILLINOIS

JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
MITT ROMNEY, UTAH
PETE RICKETTS, NEBRASKA
RAND PAUL, KENTUCKY
TODD YOUNG, INDIANA
JOHN BARRASSO, WYOMING
TED CRUZ, TEXAS
BILL HAGERTY, TENNESSEE
TIM SCOTT, SOUTH CAROLINA

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

November 1, 2023

The Honorable Antony Blinken
Secretary
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Ambassador Katherine C. Tai
Office of the U.S. Trade Representative
600 17th St. NW
Washington, D.C. 20006

Dear Secretary Blinken and Ambassador Tai:

I write to reiterate my strong concerns regarding the Biden Administration's decision to hold the African Growth and Opportunity Act (AGOA) Forum in Johannesburg, South Africa. I was also disappointed to learn that South Africa will remain fully eligible for AGOA's duty-free trade preferences in 2024, despite South Africa's continued actions that subvert U.S. national security and foreign policy interests. South Africa's relationship with Russia, and most recently with Iran and Hamas, undermine necessary eligibility safeguards in the AGOA statute, and the administration failed to take standard formal actions to communicate AGOA-related concerns to South Africa through a warning letter or demarche. The administration's handling of AGOA, exemplified by its posture toward South Africa, make it clear that Congress must take course-correcting action.

On June 9, I sent you a letter alongside other congressional foreign policy leaders. The letter expressed concern about allowing South Africa to host the AGOA Forum given the disturbing actions of the South African government in support of Russia. Pending issues like the docking of sanctioned entities, for example, the Russian ship *Lady R* (that delivered Russian arms), can't be overlooked and require accountability. Failing to impose consequences, including relocating the AGOA Forum, undermines the administration's ability to engage credibly on such serious issues with the South African government. Worse, the administration's moving forward with the AGOA Forum in Johannesburg and highlighting the U.S./South Africa trade relationship, despite bipartisan bicameral congressional concern about its government's actions, only serves to ratify and endorse South Africa's current policies publicly.

Beyond flouting the U.S.'s targeted Russia-related sanctions, the government of South Africa has deepened its dependency on China. It continues to bolster ties with Iran and Cuba, both state sponsors of terrorism. Recent statements and actions by the South African government against Israel's right to self-defense and its engagement with Hamas (including a phone call by Foreign Minister Pandor to Hamas leader Ismail Haniyeh) following its October 7 terrorist attack on Israel further prove the administration's policy towards South Africa is dangerous. While Pandor reported discussing humanitarian aid to Gaza and denied media reports that she expressed support

The Honorable Antony Blinken
Ambassador Katherine C. Tai
November 1, 2023,
Page 2

for Hamas in the call, a truly “non-aligned” partner would engage with international third-party partners, including the United Nations, on humanitarian assistance to the people of Gaza rather than the leader of a foreign terrorist organization. Earlier this year, Foreign Minister Pandor also urged the International Criminal Court (ICC) to arrest “the leaders of apartheid Israel”. This is not a matter of miscommunication or misunderstanding; South Africa has taken a clear policy position.

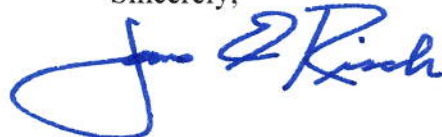
In August, Iranian Foreign Minister Amir-Abdollahian visited Pretoria for the 15th South Africa-Iran Joint Commission of Cooperation, followed shortly by the participation of Iran’s President Raisi in the BRICS summit in Johannesburg. During the summit, Iran joined the BRICS alliance. In late October, South African Foreign Minister Pandor visited Tehran. Recent media reports indicated that Iranian President Raisi would visit South Africa this week, immediately preceding the Thursday start of the AGOA Forum. While I understand the South African government has since tabled the plans for Raisi’s visit, that such a visit was even considered does not reflect well on the administration’s choice of venue, and makes clear yet again that South Africa’s government has priorities in direct conflict with our national security concerns.

Arguments by some that stricter enforcement of AGOA eligibility requirements will hinder broader U.S. trade and investment in Africa and hamper U.S. efforts to counter economic threats by global malign actors are misplaced. Every time the United States refuses to respond to actions by China, Russia, or Iran, these arguments lose merit. Prioritizing commerce over our principles and national security interests undermines our credibility as a strategic alternative to their way of doing business.

I understand the importance of AGOA in bolstering the United States’ economic relationship with Sub-Saharan Africa. I support AGOA’s early reauthorization before it expires in 2025. However, the administration’s decision to host the AGOA forum in South Africa and maintain South Africa’s eligibility for AGOA benefits in 2024 compromises the program’s integrity and our trade preferences. As Congress grapples with AGOA reauthorization, I urge robust changes to AGOA’s eligibility criteria, management of the AGOA program by USTR, and oversight of the Act’s implementation by Congress.

Recent actions by South Africa to directly challenge the United States and align with our adversaries make the Johannesburg Forum another example of the administration sending mixed messages and engaging in contradictory foreign policy. The inconsistent responses and actions of the administration undermine U.S. credibility, making it more challenging for allies to align with our policies and to deter our adversaries’ efforts.

Sincerely,



JAMES E. RISCH
Ranking Member

CC: The Honorable Jacob J. Sullivan, National Security Advisor, The White House